

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No.: 2:18-cr-00408-APG-EJY

4 Plaintiff

Order Denying Motion to Dismiss

5 v.

[ECF No. 155]

6 WYATT SCOTT PETERSON,

7 Defendant

8 Defendant Wyatt Scott Peterson is charged with assault on a federal officer. ECF No. 1.
9 On January 19, 2023, Peterson signed and dispatched for filing a motion to dismiss. ECF No.
10 155. That motion was received and filed on the court's docket on January 26, 2023. *Id.* But two
11 days earlier (on January 24, 2023), Peterson appeared in court and pleaded guilty to the charge.
12 ECF No. 151. Between the time he signed the motion and the time it was filed, he changed his
13 mind. Thus, his motion to dismiss is moot.¹

14 I THEREFORE ORDER that defendant Wyatt Scott Peterson's motion to dismiss (ECF
15 No. 155) is DENIED.

16 DATED this 14th day of February, 2023.

17
18 
19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
21

22 ¹ The motion is also untimely. Peterson filed his motion more than 16 months after the
23 September 3, 2021 deadline to file pretrial motions. *See* ECF No. 78 at 4. I may consider an
untimely motion if there is good cause. Fed. R. Crim. P. 12(c)(3). Peterson has known about the
basis for his motion (alleged violation of the Speedy Trial Act) for several months, yet did not
file the motion until the eve of trial. He has not shown good cause for the untimely motion.